

Serial No. 10/536,759
Atty. Doc. No. 2002P19550WOUS

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REMARKS

Claims 11, 15-17 and 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US pat. No. 6,173,491 (hereinafter Goodwater) in view of US pat. No. 6,237,835 (hereinafter Litwinski). Claim 12 stands rejected as being unpatentable over Goodwater and Litwinski and further in view of US publication No. 2001/0030224 A1 (hereinafter Eulenstein). Claim 14 stands rejected over Goodwater and Litwinski and further in view of US pat. No. 4,386,051 (hereinafter Edgington). Applicant appreciates the recognition of allowable subject matter in claim 13. Reconsideration of the rejections and allowance of all the pending claims is solicited in view of the following remarks.

Claim 11 is directed to a method for production of a component (1) having a surface (8). The method allows introducing a filling element (7) into the component through a first side of the surface of the component. The method further allows connecting the filling element to the component by a fixing method. During the fixing method of the filling element and component, a holder (13) is used to connect the filling element to the component at least temporarily. The holder has a first holding point (22 or 28) on the same first side of the surface of the component and a second holding point (25) on the filling element. The holder is removed after the filling element and component have been fixed.

The Examiner concedes that Goodwater fails to disclose a holder (13) for connecting the filling element to the component. The Examiner then applies Litwinski to purportedly remedy the deficiencies of Goodwater. However, as discussed below, it is respectfully submitted that Litwinski fails to remedy the deficiencies of Goodwater. Consequently, the Goodwater/Litwinski combination does not constitute an appropriate *prima facie* combination of references for rejecting claim 11 under 35 U.S.C. 103(a).

Litwinski is directed to method and apparatus for backing up a friction stir weld joint. One key principle regarding friction stir welding is that in a friction stir welding machine a rotating probe is used to engage the workpiece to form a region of plasticized material within a weld joint. This plasticized workpiece material must be constrained to prevent such a material from flowing out. Accordingly, Litwinski describes a backing member 40 that purportedly serves to constrain the plasticized workpiece material. The Examiner analogizes backing member 40 to

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the claimed holder for connecting the filling element to the component. For the reasons discussed below, this analogy is incorrect. The backing member 40 of Litwinski is merely used to constrain plasticized workpiece material (See Litwinski col. 5, line 16-18) formed in the weld joint and does not meet the structural and/or operational relationships of the claimed holder. That is, a holder that connects the filling element to the component. There is just no filling element in Litwinski to be connected to the component by a holder. A backing member to constrain plasticized workpiece material should not be analogized to the claimed holder. One skilled in the art would appreciate that a holder for constraining has nothing to do with the claimed invention. Thus, the backing member of Litwinski is structurally, functionally, and operationally inapposite to the holder of applicant.

In summary, Goodwater fails to disclose any holder, as acknowledged by the Examiner. Litwinski is then applied to purportedly correct the deficiencies of Goodwater. However, as discussed above, Litwinski fails to correct the deficiencies of Goodwater and, consequently, the combination of Goodwater and Litwinski fails to render independent claim 11 unpatentable. The backing member of Litwinski is not a holder that connects a filling element to a component but rather is structure merely used to constrain plasticized workpiece material. One of ordinary skill in the art would not be motivated to use a backing member. A backing member may be useful in a friction stir weld joint, but it is wholly irrelevant as a holder that connects a filling element to a component, as set forth in the claimed invention. If the Examiner can find in the applied references any suggestion as to why a backing member designed for a friction stir weld joint would be useful as a holder to connect a filling element to a component, then the Examiner is kindly requested to provide Applicants with a detailed citation, (e.g., column and line number). Applicants submit that Goodwater fails to provide any such suggestion being that Goodwater is not concerned with any holder. Similarly, Litwinski fails to provide any such suggestion being that Litwinski is nowhere concerned with a holder to connect a filling element to a component but is concerned with a backing member used to constrain plasticized workpiece material.

Accordingly, since the Goodwater/Litwinski combination is of limited relevance, it is respectfully requested that the rejection of claim 11 as well as the rejections of dependent claims 15-17 and 19-20 be withdrawn.

Regarding claim 12, it is noted that both the Goodwater and the Litwinski references appear to be directed to applications that need a seal (which is directly inapposite to applications

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with a gap) between the filling element and the component, as set forth in claim 12. See col. 5, lines 48-57 describing the sealing requirements of Litwinski, and col. 5, lines 9-14 describing the sealing requirements of Goodwater. Eulenstein is then applied to purportedly remedy the deficiencies of Goodwater and Litwinski. It is respectfully submitted, however, that one of ordinary skill in the art would not be motivated to combine Eulenstein, which describes a spacer to maintain a gap, with references that describe sealing between the filling element and the component. Thus, it is felt that the Examiner is using the claimed invention as a template to combine the references being applied to deprecate the claimed invention. This, however, is not an appropriate standard for rejecting claims under 35 U.S.C. 103(a). Accordingly, it is respectfully requested that the rejection of claim 12 be withdrawn.

Regarding claim 14, it is respectfully submitted that Edgington fails to remedy the fundamental deficiencies of Goodwater and Litwinski discussed above. Accordingly, it is respectfully requested that the rejection of claim 14 also be withdrawn.


Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter, and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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